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UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
OAKLAND DIVISION

UNITED STATES OF AMERICA,	)	No. CR 10-0469 CW
	)	
Plaintiff,	)	
	)	
v.	)	<del>PROPOSED</del> ORDER DETAINING
	)	DEFENDANT PENDING TRIAL AND
ANTOINE NICHOLAS MOORE,	)	EXCLUDING TIME UNDER THE
	)	SPEEDY TRIAL ACT
Defendant.	)	

I. DETENTION ORDER

Following a hearing on July 13, 2010, under 18 U.S.C. § 3142(f), and considering the factors set forth in section 3142(g), the Court finds that no condition or combination of conditions in section 3142(c) will reasonably assure the defendant's appearance in this case or the safety of any other person or the community. Specifically, the Court notes the defendant's criminal history, as documented in the Pretrial Services report, his parole status at the time of the charged conduct, and that the charged offense involved a firearm. The defendant is presently in state custody for violating the terms of his state probation. The Court, therefore, orders that the defendant be detained pending trial should he be released from state custody.

1 At the July 13, 2010 hearing, the defendant was advised of his rights, including his right  
2 to present evidence under section 3142(f). The defendant declined to present additional  
3 information, but reserved his right to present information at a future bail hearing should his  
4 circumstances change.

## 5 II. SPEEDY TRIAL EXCLUSION

6 For the reasons stated in open court on July 13, 2010, as stipulated to by the parties, the  
7 Court excluded time under the Speedy Trial Act from July 13, 2010, to July 28, 2010, to enable  
8 defense counsel to investigate the matter, including review of discovery. The Court found that  
9 (A) failure to grant the continuance would unreasonably deny defense counsel the reasonable  
10 time necessary for effective preparation, taking into account the exercise of due diligence, and  
11 (B) the ends of justice served by the continuance outweigh the best interests of the public and the  
12 defendant in a speedy trial. See 18 U.S.C. § 3161(h)(1)(7)(A) & (B)(iv).

## 13 III. CONCLUSION

14 The Court detains the defendant as a danger to the community and as a flight risk without  
15 prejudice to his raising the bail issue at a future hearing where he can present evidence, and  
16 excludes time under the Speedy Trial Act as set forth above. Should the defendant be released  
17 from state custody, the Court orders that the defendant be committed to the custody of the  
18 Attorney General or a designated representative for confinement in a corrections facility  
19 separate, to the extent practicable, from persons awaiting or serving sentences or held in custody  
20 pending appeal. See 18 U.S.C. § 3142(i)(2). The defendant must be afforded a reasonable  
21 opportunity to consult privately with counsel. See *id.* § 3142(i)(3). On order of a court of the  
22 United States or on request of an attorney for the government, the person in charge of the  
23 corrections facility must deliver the defendant to the United States Marshal for a court  
24 appearance. See *id.* § 3142(i)(4).

25 IT IS SO ORDERED.

26  
27 DATED: July 16, 2010



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LAUREL BEELER  
United States Magistrate Judge

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